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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	No. CR-10-00041 DLJ
)	
Plaintiff,)	PROPOSED ORDER DETAINING
)	DEFENDANT GREGORY CRAWFORD
v.)	PENDING TRIAL
)	
GREGORY EDWARD CRAWFORD,)	Date: February 5, 2010
a/k/a Gregory Crawford,)	Time: 10:00 a.m.
a/k/a Gregory Crawford, Jr.,)	Court: Hon. Laurel Beeler
a/k/a Gregory E. Crawford,)	
a/k/a Gregory NMN Crawford,)	
)	
)	
Defendant.)	

I. DETENTION ORDER

Defendant Gregory Crawford is charged in a two-count indictment with (1) possession with intent to distribute marijuana, in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(D), and (2) being a felon in possession of a firearm and ammunition, in violation of 18 U.S.C. § 922(g). On February 2, 2010, the United States moved for defendant's detention pursuant to 18 U.S.C. § 3142(f)(1)(E) (because the crime involved the possession of a firearm), and subsequently asked

~~PROPOSED~~ ORDER RE: DETENTION AND TIME EXCLUSION
CR-10-00041 DLJ (LB)

1 for a detention hearing in three days, as permitted by section 3142(f). Following a hearing under
2 18 U.S.C. § 3142(f), and considering the parties' proffer, the criminal history study, and the
3 factors set forth in section 3142(g), the Court finds clear and convincing evidence that Crawford
4 is a danger to the community and by a preponderance of the evidence that he is a serious risk of
5 flight and that no condition or combination of conditions in section 3142(c) will reasonably
6 assure his appearance in this case or the safety of any other person or the community. *See* 18
7 U.S.C. § 3142(e) and (f); *United States v. Motamedi*, 767 F.2d 1403, 1406 (9th Cir. 1985).

8 Specifically, Crawford's offense involved the possession of a loaded gun which discharged
9 as members of the Oakland Police Department were attempting to conduct a probation search.
10 He also has an extensive history of probation revocations and convictions for possessing
11 narcotics for sale. These facts establish a danger to the community. The serious nature of the
12 charges raises concern about flight risk while the numerous probation revocations raises concern
13 about the defendant's ability to comply with any conditions of release that the Court might set.

14 Crawford did not request a full bail study at this time, such as an interview by Pretrial
15 Services. *See* 18 U.S.C. § 3142(f) (a defendant has the right at a section 3142(f) hearing to, with
16 the assistance of counsel, testify, present witnesses, cross-examine adverse witnesses, and
17 present information by proffer or otherwise). After being advised of his rights under section
18 3142 (f), Crawford also declined to make a proffer at the hearing, but expressly retained his right
19 to raise any additional relevant information at a later time.

20 21 II. CONCLUSION

22 The Court detains Crawford as a danger to the community and as a serious flight risk.
23 Because Crawford waived his right to present information under 3142(f) without prejudice to
24 raising any relevant information at a later hearing, the Court orders that the hearing may be
25 reopened at Crawford's request at any future time.

26 The defendant is committed to the custody of the Attorney General or a designated
27 representative for confinement in a corrections facility separate, to the extent practicable, from
28 persons awaiting or serving sentences or held in custody pending appeal. *See* 18 U.S.C. §

1 3142(i)(2). The defendant must be afforded a reasonable opportunity to consult privately with
2 counsel. *See id.* § 3142(i)(3). On order of a court of the United States or on request of an
3 attorney for the government, the person in charge of the corrections facility must deliver the
4 defendant to the United States Marshal for a court appearance. *See id.* § 3142(i)(4).

5 IT IS SO ORDERED

6
7 DATED: February 8, 2010



LAUREL BEELER
United States Magistrate Judge